

ORDINANCE NO. 7895

AN ORDINANCE AMENDING SECTION 635.040 OF THE CITY OF ST. PETERS, MISSOURI CITY CODE RELATING TO VIDEO SERVICE PROVIDER FEES.

WHEREAS, the 94th Missouri General Assembly previously enacted Senate Bill 284, codified as Sections 67.2675 through 67.2714 RSMO., inclusive, (the “2007 Video Services Providers Act”) establishing a state-wide franchise mechanism for Video Service Providers; and

WHEREAS, the City of St. Peters on the 14th day of August 2008 enacted Ordinance No. 5045 adopting regulations applicable to video service providers; and

WHEREAS, the Missouri General Assembly on the 28th of August 2021 amended the “2007 Video Services Providers Act” adjusting the fees franchise entities are allowed to collect.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION NO. 1. That Chapter 635 of the St. Peters City Code be and is hereby amended by deleting 635.040 in its entirety and enacting in lieu thereof the following:

- A. The City shall collect a video service provider fee equal to not more than five percent (5%) of the gross revenues charged to each customer of a video service provider that is providing video service in the City. The video service provider fee shall apply equally to all video service providers within the City.
- B. Beginning August 28, 2023, franchise entities are prohibited from collecting a video service provider fee in excess of four and one-half percent of such gross revenues. Beginning August 28, 2024, franchise entities are prohibited from collecting a video service provider fee in excess of four percent of such gross revenues. Beginning August 28, 2025, franchise entities are prohibited from collecting a video service provider fee in excess of three and one-half percent of such gross revenues. Beginning August 28, 2026, franchise entities are prohibited from collecting a video service provider fee in excess of three percent of such gross revenues. Beginning August 28, 2027, and continuing thereafter, franchise entities are prohibited from collecting a video service provider fee in excess of two and one-half percent of such gross revenues.
- C. Except as otherwise expressly provided in sections 67.2675 to 67.2714, RSMo., neither a franchise entity nor the City shall demand any additional fees, licenses,

gross receipt taxes, or charges on the provision of video services by a video service provider and shall not demand the use of any other calculation method.

- D. Not more than once per calendar year after the date that the incumbent cable operator's franchise existing on August 28, 2007, expires or would have expired if it had not been terminated pursuant to sections 67.2675 to 67.2714, RSMO., and no more than once per calendar year after the video service provider fee was initially imposed, the City may, upon ninety (90) days notice to all video service providers, elect to adjust the amount of the video service provider fee subject to state and federal law, but in no event shall such fee exceed the calculation defined in subsections A and B of this section.
- E. The video service provider fee shall be paid to the City on or before the last day of the month following the end of each calendar quarter and shall be calculated as a percentage of gross revenues, as defined under Section **635.010** hereof. Any payment made pursuant to Section **635.440** hereof shall be made at the same time as the payment of the video service provider fee.
- F. Any video service provider shall identify and collect the amount of the video service provider fee and collect any support under Subsection **(H)** of Section **635.440** as separate line items on subscriber bills.

SECTION NO. 2. Effective Date.

This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION NO. 3. Savings.

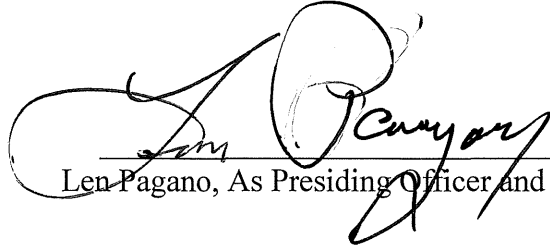
Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

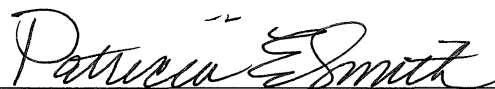
SECTION NO. 4. Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this 21st day of December, 2023.




Len Pagano, As Presiding Officer and as Mayor

Attest: 
Patricia E. Smith, City Clerk